THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.24883 of 2005

Dated:31st March, 2006

Between:

The Depot Manager, A.P.S.R.T.C,
Tiruvur Depot, Krishna District.

…..PETITIONER

AND

D.V.V.Rao, E.350943, Driver,
A.P.S.R.T.C, Tiruvur Depot, Tiruvur,
Krishna District & another.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.24883 of 2005

ORDER:

Heard the learned Standing Counsel for the petitioner-APSRTC. Though notice is served, none appeared for respondent No.1-Driver.

Respondent No.1, while working as Driver with petitioner, was removed from service. Assailing the order of removal, he filed I.D., which was allowed, with a direction to the petitioners to reinstate respondent No.1 into service as Driver with continuity of service, but without backwages. Respondent No.1 having joined service in pursuance of the award of the Labour Court, filed miscellaneous application for release of notional increments from the date of removal till the date of reinstatement. The Labour Court allowed the said application.

Assailing the said order of the Labour Court, the petitioners-APSRTC filed the writ petition *inter alia* contending that having regard to the judgment of the apex Court in **APSRTC v. Abdul Kareem** [1], wherein it was held that the workman is not entitled to any consequential relief on reinstatement as a matter of course, unless specially directed by forum granting reinstatement, the Labour Court Committed an error in allowing the application for release of notional increments, and more so when the Labour Court while passing the award, did not grant backwages.

Inasmuch as the Labour Court while directing reinstatement of

respondent No.1 into service has not awarded any consequential benefits, except continuity of service, the Labour Court could not have allowed the miscellaneous application filed by the respondent No.1 praying release of notional increments, and having regard to the judgment of the apex Court in **APSRTC v. Abdul Kareem,** the order passed by the Labour Court, impugned in the writ petition, which directed release of notional increments to respondent No.1, cannot be sustained, and it is accordingly set aside.

Accordingly, the writ petition is allowed. No costs.

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(N.V. RAMANA, J.)

Date:31st March 2006.

GRK

[1] (2005) 6 SCC 36